



U.S. Department of Justice
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PRESS RELEASE

September 2, 2004

RE: UNITED STATES v. GERALD T. SKINNER

United States Attorney Michael A. Battle announced today the sentencing of former Buffalo Police Department Narcotics Detective Gerald T. Skinner, age 44, of Amherst, New York. Skinner, who was convicted of Count 8 of the Indictment against him, which charged the felony crime of conspiracy against civil rights, in violation of Title 18, United States Code, Section 241, was sentenced to 30 months imprisonment to be followed by 3 years supervised release by the Honorable Richard J. Arcara, Chief United States District Judge.

Assistant U.S. Attorney J.P. Kennedy, who handled the case, stated that the defendant was convicted after admitting that he, on various occasions between about 1993 and about 2001, while employed as a Detective with the Buffalo Police Department and during the course of his duties as a police officer, did unlawfully agree with other Detectives of the Buffalo Police

Department to deprive suspected drug dealers with various rights and privileges secured by the Constitution of laws of the United States. Those rights included: (i) the right not to be deprived of property without due process of law, a right secured by the Fifth and Fourteenth Amendments; (ii) the right not to be subjected to unreasonable searches and seizures, a right secured by the Fourth and Fourteenth Amendments; and (iii) the right not to be subjected to the excessive use of force, a right secured by the Fourth and Fourteenth Amendments.

According to Kennedy, the general conduct admitted to by defendant fell into several broad categories which included: (1) the theft by detectives of items of personal property seized during the execution of search warrants, arrests, or other investigatory encounters with suspected drug dealers; (2) the falsification and/or mis-attribution by detectives of information used in support of search warrants for premises maintained by suspected drug dealers; and (3) instances of the use of unwarranted physical force against the persons whom they were investigating.

Specifically, in his plea agreement, defendant admitted that on or about February 3, 1998, defendant, together with former Buffalo Police Narcotics Detective Rene Gil, and others participated in the execution of a search warrant at a residence located at 395 West Delevan Avenue, Buffalo, New York. During the course of the execution of that warrant, items of personal

property, including jewelry and United States currency were removed from such premises, and defendant received a portion of the currency removed from such premises for his personal use. Further, defendant, who was the affiant on the search warrant application, falsified the search warrant return and inventory.

Defendant also admitted that on February 27, 1999, while executing a search warrant at a residence located at 649 Hopkins Street, Buffalo, New York, defendant physically struck one of the occupants of such residence after such individual referred to defendant as "dude."

Finally, defendant admitted that on January 9, 2001, during the execution of a search warrant at a residence at 1050 West Avenue, Buffalo, New York, defendant physically struck one of the occupants of such residence after such occupant requested to see a copy of the search warrant.

Prior to sentencing, defendant filed a motion seeking, among other things, to have his sentenced reduced on the grounds of his physical condition. Defendant also opposed the application of a sentencing enhancement based upon his alleged obstruction of justice for his purportedly threatening potential government witnesses during the investigation. The government opposed the defendant's requests, and the Court, following extensive argument, denied defendant's motions in their entirety.

Charges against Paul D. Skinner, and Sylvestre Acosta, two Buffalo Police Detectives charged in the same Indictment with defendant, remain pending.

The conviction was the result of an investigation on the part of the Federal Bureau of Investigation, under the direction of Peter J. Ahearn, Special Agent in Charge; the New York State Police, under the direction of Major Thomas M. Fresenius; and the Internal Revenue Service, under the direction of Ann Marie Coons, Special Agent in Charge. United States Attorney Battle also stated that the Buffalo Police Department, under the direction Rocco J. Diina, Commissioner, cooperated completely with the investigation.